

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:12CR124
Plaintiff,)
vs.) TENTATIVE FINDINGS
SHAMUS O'DOHERTY,)
Defendant.)

The Court has received the Revised Presentence Investigation Report ("PSR") in this case. The parties adopted the PSR (Filing Nos. 96 and 99.) The Defendant filed a Motion for Downward Departure and for Deviation or Variance and accompanying brief (Filing No. 101). See Amended Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final;
4. The Defendant's Motion for Downward Departure and for Deviation or Variance (Filing No. 101) will be heard at sentencing; and
5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 25th day of September, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge